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Applicant respectfully requests reconsideration of this application as amended.

Claims 1-22 have been amended. No claims have been cancelled. Therefore, claims 1-25 are presented for examination.

Drawings 1-3 stand rejected to because drawings are not provided with descriptive text labels. Replacement drawings have been submitted herewith.

Claims 1-7 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter since they disclose abstract idea without providing useful or tangible result. Applicant submits that claim 1 has been amended to appear in proper condition for allowance.

Claims 8-14 stand rejected to under 35 U.S.C. §112, first paragraph, as a single means claim. Applicant submits that claim 8 has been amended to appear in proper condition for allowance.

Claims 1-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Araujo et al. (U.S. Patent No. 6,108,350). Applicant submits that the present claims are patentable over Araujo.

Araujo discloses methods for detecting a protocol used on a link and for automatically configuring the link. For example, to help avoid requiring a craftsman to configure each link between a subscriber and the central office, the invention includes a method for automatically determining a protocol used by the customer premises equipment. This information can then be used to automatically configure the link to use the protocol used by the customer premises equipment. The invention also includes the method for configuring the link by negotiating between the customer premises equipment and the central office such

that a protocol is used on the link that helps to provide efficient transmission over the link and through a backbone network coupled to the central office. For example, if the customer premises equipment initially uses a frame-based protocol and the backbone network coupled to the central office uses a cell-based protocol, then the central office equipment negotiates with the customer premises equipment to use a cell-based protocol over the link. The use of the same or related protocol over the link as on the backbone network helps to improve the efficiency of transmission over the link and the backbone network by reducing the amount of computation required at the central office to translate between protocols. See Araujo at Abstract.

Claim 1 of the present application recites a processor selecting first drivers to implement a first communication protocol if the one or more parameters specify the first communication protocol. Applicant submits that nowhere in Araujo is there disclosed, or reasonably suggested, such a feature. Thus claim 1, and its dependent claims, is patentable over Araujo.

Independent claims 8, 15 and 22 include features similar to those recited in claim 1. Therefore, claims 8, 15 and 22 are patentable over Araujo for the reasons stated above with respect to claim 1.

Applicant submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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